

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**WESTERN CONSOLIDATED PREMIUM
PROPERTIES, INC., 1500 LORENE, LLC,
AND 2700 WHITNEY, LLC**

CIVIL ACTION

VERSUS

NO. 06-4845

**WESTCHESTER SURPLUS LINES
INSURANCE COMPANY AND
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA**

SECTION 'K'(5)

ORDER

Before the Court is the plaintiffs' "Motion for New Trial or to Alter or Amend the Court's Findings" (Doc. 100) and the "Unopposed Ex Parte Motion to Continue September 16, 2009 Hearing Regarding Plaintiffs' Motion for New Trial or to Alter or Amend the Court's Findings" filed on behalf of defendant Travelers Property Casualty Company of America (Doc. 106). For the following reasons, the Court concludes that it lacks jurisdiction to consider the motions.

On July 30, 2009, plaintiffs filed their "Motion for New Trial or to Alter or Amend the Court's Findings" challenging the Court's July 15, 2009, oral findings on defendant Travelers Property Casualty Company of America's "Motion Regarding Insurance Company and the Court's clarification of that ruling in a Minute Entry dated 27, 2009. Thereafter, on August 13, 2009, plaintiffs filed a "Notice of Appeal" from this Court's orders of 15, 2009 and 27, 2009.

"[A] perfected appeal divests the district court of jurisdiction." *Shepard v. International Paper Co.*, 372 F.3d 326, 327 (5th Cir. 2004)(internal citation and quotation omitted). Plaintiffs filing of a Notice of Appeal divested this Court of jurisdiction. Therefore, the Court lacks jurisdiction to decide either the "Unopposed Ex Parte Motion to Continue September 16, 2009 Hearing

Regarding Plaintiffs Motion for New Trial or to Alter or Amend the Court's Findings" or Plaintiffs "Motion for New Trial or to Alter or Amend the Court's Findings." Moreover, considering the pending appeal in this matter, the Court hereby orders this matter administratively stayed 06-4845 until such time as the Court is notified that the appeal in this case is no longer pending.

New Orleans Louisiana, this 14th day of September, 2009.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE